

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT OF ILLINOIS, EASTERN DIVISION**

IN RE: Lion Air Flight JT 610 Crash

MOELJONO KHAN, individually; as
Personal Representative of the Estate of
PERMADI ANGGRIMULJA; and as next
friend of his minor child A.R.N.,

Plaintiff,

v.

THE BOEING COMPANY, a Delaware
Corporation;
ROSEMOUNT AEROSPACE, INC., a
Delaware Corporation;
ROCKWELL COLLINS, INC., a Delaware
Corporation;
RAYTHEON TECHNOLOGIES
CORPORATION, a Delaware Corporation;
GOODRICH CORPORATION., a Delaware
Corporation;
XTRA AEROSPACE LLC, a
THE UNITED STATES OF AMERICA and
its subordinate agencies THE DEPARTMENT
OF TRANSPORTATION and THE
FEDERAL AVIATION ADMINISTRATION,

Defendants.

Case No.: 1:20-cv-05773

Main Case No. 1:18-cv-07686

Assigned To: Hon. Thomas M. Durkin

STATUS REPORT SUBMITTED
ON BEHALF OF KHAN
FAMILY CLAIMANTS

STATUS REPORT

The undersigned counsel on behalf of the Khan Family wishes to update the Court in connection with the above captioned matter:

Events Since Last Hearing:

1. On April 26, 2021, the parties appeared before the Court in connection with the above captioned matter. *In Re: Lion Air JT 610 Crash*, 18-cv-07686, ECF Docket No. 1058. As this Court is aware, since November of 2020 (and indeed before that), Counsel for the Khan

family have repeatedly tried to settle this case with Boeing, while the Ribbeck team and/or their client having cancelled multiple mediations. *In Re: Lion Air JT 610 Crash*, 18-cv-07686, ECF Docket No. 1055.

2. Counsel will not address at this time conduct of certain adults and apparent agents of counsel in Indonesia vis-à-vis the minor claimant. It can be addressed later and is conduct that is alleged to be regularly distinguishable from simple jockeying for clients.

3. The most urgent priority at the moment should be getting the case settled. As stated to the Court before, the case is ripe for settlement. The Khan family and Khan family counsel discovered the significant and regrettable errors of prior counsel and current counsel for the Plaintiff Tandina (i.e., the Ribbeck team) in incorrectly analyzing the decedent's earnings. *Khan v. The Boeing Company, et al.*, 20-cv-05773, ECF Docket No. 14. Boeing was receptive to the correction and began the process from scratch of negotiating within a new healthy bracket that reflected this new appreciation of the decedent's actual earnings. This process had begun under the learned guidance of Judge O'Connell and was primed right before the scheduled November mediation in 2020 which was then summarily cancelled. *Id.* at p. 8.

4. Unfortunately, to date, there has been yet another confusing flurry of activity from the Ribbeck team and/or others who are now attempting to make an appearance in the matter. The following events have occurred since the parties last appeared before the Court:

a. While the motion for appointment of a guardian ad litem ("GAL") (*Khan v. The Boeing Company, et al.*, 20-cv-05773, ECF Docket No. 25) has been pending, the Ribbeck team had insisted they would put the minor claimant before the Court. Counsel for the Khan family expressed their viewpoint on this and recommended a procedure. *Id.* To the knowledge of the Khan family's counsel, there has been no further update from the Ribbeck team on the appearance of the minor despite statements indicating they would provide updates so the GAL motion could be adjudicated.

b. Following the April 26, 2021 hearing, local counsel for the Ribbeck team indicated they would be coordinating with other counsel on settlement efforts.

In Re: Lion Air JT 610 Crash, 18-cv-07686 ECF Docket No. 1058. They have not done that. They had promised to share some kind of new “expert” analysis of the corrected earning data the Khan Family and their counsel had identified (though no such expert analysis is needed to settle the case and no expert economist has been needed for the majority of the Lion Air cases)—but they have not done so.

c. On June 10, 2021, Mr. Austin Bartlett, who appears for this matter to act under the instruction of the Ribbeck team to our knowledge, sent us an email which he stated to be from the minor A.R.N. to Ken Feinberg inquiring about the status of the minor’s BFAF funds. Mr. Bartlett is not counsel for the minor and the Ribbeck team has never been recognized by any court as counsel for the minor. Suffice it to say, those funds for the minor remain in the trust account of Mr. Indrajana where they have been the entire time. Mr. Indrajana does not feel comfortable releasing the funds without further adjudication by the Court on next steps here.

d. On Saturday, June 12, 2021, after a long stretch of inactivity or at least silence vis a vis the known action items of which all counsel were aware, there has been yet another development. A local Illinois firm purporting to act on behalf of the minor claimant is now seeking leave to appear on the minor’s behalf as an “emancipated minor” based on his marriage (*See Khan v. The Boeing Company, et al.*, 20-cv-05773, ECF Docket No. 27 and 28) — the marriage which the Khan family and counsel discovered was to another minor in Indonesia. (Counsel will submit at a later date, after settlement, data and evidence regarding this emancipation plan and its origin dating back to shortly after Counsel took over representation for the Khan family.)

Counsel wishes to update the Court on the above developments. Counsel will timely file an objection to the motions filed. That said, Counsel wishes to inform the Court that significant time has passed without any further movement to settle. The GAL motion remains pending and counsel for the Khan family nominated a highly qualified guardian ad litem candidate known to all parties (Mr. Robert Foote Esq.) and relied upon by the minor himself as noted. *Khan v. The Boeing Company, et al.*, 20-cv-05773, ECF Docket No. 25. The latest motion for counsel to

appear on behalf of the emancipated minor seems like an attempted endrun around the pending GAL motion, and may be viewed also against the backdrop of the Ribbeck team not following through with what they stated they would do at the last appearance and in their briefing.

Issues Before the Court:

Counsel for the Khan family submit that as a result of the flurry of disjointed activity, there are now multiple issues before the Court in connection with this matter and the interests of the minor: (i) the fate of settlement of the matter, with significant questions as to the impact of the delay on the minor's claims; (ii) the pending GAL motion, and (iii) the filing this weekend by a third group of counsel purporting to seek leave to act on behalf of the minor. Counsel respectfully awaits the Court's guidance if it can possibly provide any realtime guidance or direction at this time—the Court's trial schedule and busy schedule admittedly and obviously a factor of which Counsel is aware. In absence of the Court being able to physically respond before the noticed hearing on the recent attempted appearance by new counsel, Counsel will file its responses and present its views at the hearing. That said, counsel wishes to note for the record that time is of the essence as the minor has lost significant interest and potential earnings with each month that has passed due to this delay of settlement.

Counsel for the Khan family is able to appear for a status conference at any time this week **after Tuesday, June 15, 2021** (when counsel is appearing before Judge O'Connell for the neutral evaluation of the Soegiyono/Wiranofa matters.)

The Khan Family, through its counsel, once again thanks the Court for its ongoing efforts to protect the interests of the minor A.R.N. and to give this case the greatest chance of settling with the greatest positive outcome for the minor.

Dated: June 13, 2021

Respectfully Submitted,

/s/ Sanjiv N. Singh

Sanjiv N. Singh, APLC

1650 S. Amphlett Blvd. Suite 220

San Mateo, CA 94402

Phone: (650) 389-2255

ssingh@sanjivnsingh.com

admitted Pro Hac Vice

COUNSEL FOR THE KHAN FAMILY